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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

1 ANDREW R. LIVINGSTON (State Bar No. 148646)
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2 ERIN M. CONNELL (State Bar No. 223355)
econnell@orrick.com
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
4 405 Howard Street
San Francisco, CA 94105-2669
5 Telephone: +1-415-773-5700
Facsimile: +1-415-773-5759

6 Attorneys for Defendants
7 Chase Home Finance, LLC (on behalf of itself and as successor
in interest to Chase Manhattan Mortgage Corporation) and
8 James Boudreau

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11
12 CHRISTOPHER CLARK and JAMES
13 RENICK, individuals,

14 Plaintiffs,

15 v.

16 CHASE HOME FINANCE, LLC; a Delaware
LLC doing business in California; CHASE
17 MANHATTAN MORTGAGE
CORPORATION, a New Jersey corporation
18 doing business in California; JAMES
BOUDREAU, an individual; and DOES 1-25,

19 Defendants.
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Case No.

'08 CV 0500 JM RBB

DECLARATION OF ERIN M.
CONNELL IN SUPPORT OF
DEFENDANTS' NOTICE OF
REMOVAL

1 I, Erin M. Connell, hereby declare:

2 1. I am a member of the State Bar of California and an associate with the firm
3 of Orrick, Herrington & Sutcliffe LLP, attorneys of record for defendants Chase Home Finance,
4 LLC (on behalf of itself and as successor in interest to Chase Manhattan Mortgage Corporation)
5 and James Boudreau. I make this declaration in support of Defendants' Notice of Removal. The
6 facts set forth in this declaration I know to be true of my own personal knowledge, except where
7 such facts are stated to be based on information and belief, and those facts I believe to be true. If
8 called as a witness I could and would testify competently to the matters set forth in this
9 declaration.

10 2. Plaintiffs did not complete service on Defendants of their original
11 Complaint. Rather, Plaintiffs' counsel notified defense counsel that they intended to file and
12 serve a First Amended Complaint.

13 3. Attached as Exhibit A is a true and correct copy of the signed Notice and
14 Acknowledgement of Receipt, confirming that service of the FAC on Defendant Chase Home
15 Finance, LLC was completed on March 11, 2008, pursuant to California Code of Civil Procedure
16 415.30. Plaintiffs did not serve an amended Summons with the FAC.

17 4. In connection with the preparation of this Notice of Removal, I reviewed
18 the results of a Public Records search for Plaintiff Christopher Clark ("Clark"), which reflect that
19 Clark currently resides, and has continuously resided since the end of his employment with Chase
20 Home Finance LLC, in California.

21 5. In connection with the preparation of this Notice of Removal, I reviewed
22 the results of a Public Records search for Plaintiff James Renick ("Renick"), which reflect that
23 Renick currently resides, and has continuously resided since the end of his employment with
24 Chase Home Finance LLC, in California.

25 6. Attached as Exhibit B is a true and correct copy of three letters dated
26 January 9, 2008 and sent by Certified Mail by Plaintiffs' counsel to Defendants purporting to give
27 notice of the alleged California Labor Code violations that form the basis of Plaintiffs' Sixth
28 Cause of Action under California Labor Code Section 2699.

Executed on March 17, 2008, in the City of San Francisco State of California.

Erin Connell
Erin M. Connell

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gregory A. Douglas, Esq. SBN Walter L. Haines SBN 71075 United Employees Law Group, P.C. 65 Pine Ave., Ste. 312 Long Beach, CA 90802 TELEPHONE NO.: 562-256-1047 FAX NO. (Optional): 562.256-1006 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 220 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101-3409 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Christopher Clark DEFENDANT/RESPONDENT: Chase Home Finance, LLC	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL	
CASE NUMBER: 37-2007-00083776	

TO (insert name of party being served): Chase Home Finance, LLC**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: February 21, 2008.

Christine Agosto

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPTThis acknowledges receipt of *(to be completed by sender before mailing)*:

- ☐ A copy of the summons and of the complaint.
- ☒ Other: (specify): Conformed First Amended Complaint For Damages, Restitution and Statutory Penalties

*(To be completed by recipient):*Date this form is signed: 3/11/08

Andrew Livingston, counsel for Chase Home Finance LLC
 (TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY, ON WHOSE BEHALF THIS FORM IS SIGNED)

[Signature]
 (SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

**package id**

0026760

ship date

Tue, Mar 11

to

Gregory Douglas
United Employees Law
Group, P.C.
65 Pine Ave
Ste 312
Long Beach, CA 90802-
4718 US
415-773-5960

residential address

No

return label

No

from

Andrew Livingston
(010849)
Orrick Herrington & Sutcliffe
LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105
US
(415) 773-5588

billing

JP Morgan Chase &
Company-Christopher
Clark v. Chase
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operator

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sbates@orrick.com

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United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

James Boudreau
10790 Rancho Bernardo Road
San Diego CA 92127

RE: Employers Names & Addresses:
Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.

In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

Sincerely,

Walter L. Haines
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
(Per LC § 2699.3, by Certified Mail)

65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006

United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802

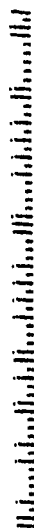
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PBST 23841

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United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

Chase Manhattan Mortgage Corporation
10790 Rancho Bernardo Road
San Diego CA 92127

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Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
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(Per LC § 2699.3, by Certified Mail)

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65 Pine Avenue, #312
Long Beach, CA 90802

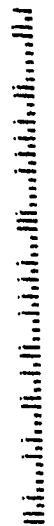
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United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

Chase Home Finance LLC
10790 Rancho Bernardo Road
San Diego CA 92127

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Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
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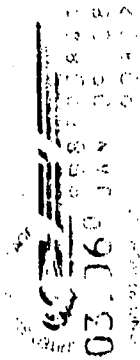
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California
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Relations

Economic
Strategy
Panel

Employment
Development
Department

Employment
Training
Panel

Labor & Workforce Development Agency

Date February 8, 2008

United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802

James Boudreau
Chase Home Finance LLC
Chase Manhattan Mortgage Corporation
10790 Rancho Bernardo Road
San Diego, CA 92127

Re: LWDA No: 3080
Employer: Chase Home Finance LLC
Employee: Christopher Clark and James Renick

Dear Employer and Representative of the Employee:

This is to inform you that the Labor and Workforce Development Agency (LWDA) received your notice of alleged Labor Code violations pursuant to Labor Code Section 2699, postmarked January 09, 2008 and after review, does not intend to investigate the allegations.

As a reminder to you, the provisions of Labor Code Section 2699(i) provides that "...civil penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the LWDA for enforcement of labor laws and education of employers and employees about their rights and responsibilities under this code". Labor Code Section 2699(l) specifies "[T]he superior court shall review and approve any penalties sought as part of a proposed settlement agreement pursuant to this part".

Consequently you must advise us of the results of the litigation, and forward a copy of the court judgment or the court-approved settlement agreement.

Sincerely,

Robert A. Jones

Robert A. Jones
Deputy Secretary